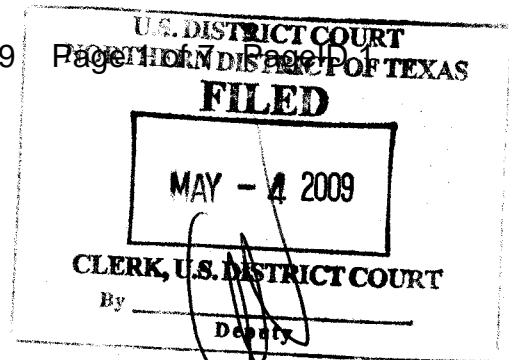


ORIGINAL

United States District Court
For the District of Texas
Northern Division



Cathie Adams, an individual;

Plaintiff,

v.

State of Texas;

Defendant.

Case No.:

3-09-CV-825-P

COMPLAINT

Plaintiff, Cathie Adams, by and through the undersigned counsel, brings this Complaint against the above-named Defendant, for violating her and every non-Travis County Texas citizen's constitutionally protected equal protection rights by having the statewide Texas Public Integrity Unit run by the Travis County District Attorney, giving the Travis County District Attorney power over Texas citizens that could not participate in the election of the Travis County District Attorney, thereby disenfranchising all non-Travis County Texas citizens:

1. This is an action for declaratory and injunctive relief, together with reasonable attorneys' fees and such other relief as the Court may deem appropriate. This action is based upon the facial unconstitutionality of the Texas Public Integrity Unit which impermissibly infringes upon the Plaintiffs' equal protection rights as guaranteed by the Fourteenth Amendment to the United States Constitution and Article 1, Section 3 and Section 19 of the Texas Constitution.

PARTIES

2. Plaintiff, Cathie Adams, is an individual who resides, and pays taxes, in Dallas County Texas.
3. The State of Texas is responsible for the laws of the State of Texas and as part of the United States is subject to United States laws and Constitution.

JURISDICTION AND VENUE

4. This Court has jurisdiction over all claims in the Complaint, including claims arising under the United States Constitution and 42 U.S.C. § 1983, pursuant to 28 U.S.C. §§ 1331 and 1343 (a)(3) and (a)(4), which confer original jurisdiction on United States District Courts in suits to redress the deprivation of rights, privileges and immunities, as stated herein.
5. Venue lies in the District pursuant to 28 U.S.C. § 1391(a). Plaintiff is located in this District. The Defendant is located in this District. The events giving rise to this action occurred in this District.

STATEMENT OF FACTS

6. In the late 1970's the Travis County District attorney created the Public Integrity Unit (PIU) to enforce laws against various types of corruption.
7. The Public Integrity Unit, a unit with statewide jurisdiction, is run by the Travis County District Attorney, a position elected by only the citizens of Travis County.
8. Beginning in the early 1980's the State of Texas, through appropriation bills, has funded the PIU to investigate and prosecute motor fuel tax fraud cases; insurance fraud cases; offenses involving an elected or appointed official of state

government or an officer or an employee of an agency of the state; and offenses relating to state government. The current funding is found in the 2008-2009 Biennial Appropriations Bill D.1.4. No other district attorney received funds from the state to perform these activities.

9. The Texas Insurance Code, Title 2, Section 85.051(a)(1) provides for prosecution of Insurance cases to be done in Travis County, granting the Travis County District Attorney power to prosecute non-Travis County citizens.
10. The Texas Tax Code, Title 2, Section 162.407 provides for prosecution of motor fuel tax fraud cases to be done in Travis County, granting the Travis County District Attorney power to prosecute non-Travis County citizens.
11. The Plaintiff has a personal stake in this matter. The Plaintiff is subject to the investigation and prosecution by a district attorney that is not the district attorney of the county she resides in or the district attorney where most of her activities take place. The Plaintiff is potentially subject to investigation and prosecution by a district attorney elected in an election she could not vote in. The Travis County District Attorney has been granted investigation and prosecution authority over citizens that do not live in Travis County and over activities that do not take place in Travis County.
12. A citizen in any county in Texas outside of Travis County has no ability to change the makeup of the PIU that affects them.
13. The Texas Legislature has allowed Travis County residents votes to weigh more than those of any other Texas resident.
14. By granting the PIU statewide rights the State has disenfranchised the Plaintiff's vote. The Plaintiff, and every other non-Travis County resident, is subject to a statewide public official's authority for which election the Plaintiff cannot

participate in, while the citizens of Travis County are given what is nothing short of a super-vote to elect a person who only resides in Travis County, but who has statewide investigatory and prosecutorial power.

COUNT I

Violation of United States Constitution

Fourteenth Amendment: Equal Protection

(42 U.S.C. § 1983)

15. Paragraphs 1 through 14 are incorporated by reference as if fully set forth herein.
16. Whoever, by virtue of public position under a State government, denies or takes away the equal protection of the laws, violates the constitutional inhibition; and as he acts in the name and for the State, and is clothed with the State's power, his act is that of the State.
17. The Legislature, through the Appropriations Bill has granted the Travis County District Attorney state wide authority over every Texas resident, regardless if the complained of act occurred in Travis County or not, thus causing Travis County residents votes to weigh more than those of any other Texas resident.
18. Through these actions, the Texas Legislature has enacted discrimination by diluting the voting power and/or disenfranchisement of the voter by creating a special class characteristic of lesser Texas voters – residency outside of Travis County. Whether intended or not, the Texas Legislature has given Travis County residents a super vote, while discounting the votes of every non-Travis County

resident who has no say in who prosecutes cases that affect them.

19. The Texas Legislature, through the PIU has diluted the voting power of the Plaintiff and every other non-Travis County Texas resident therefore violating its equal protection of the laws, as secured by the Fourteenth Amendment to the United States Constitution, by granting statewide authority to a county public official.

COUNT II

Violation of Texas Constitution (Article 1, Section 3 and Section 19)

20. Paragraphs 1 through 19 are incorporated by reference as if fully set forth herein.
21. The Appropriations Bill portion providing money to the PIU violates the Plaintiff and every other non-Travis County Texas citizen of its equal protection of the laws, as secured by Article 1, Section 3 and Section 19 to the Texas Constitution, by granting statewide authority to a county public official.
22. The Texas Legislature, through the PIU has diluted the voting power of the Plaintiff and every other non-Travis County Texas resident, therefore violating Article 1, Section 3 and Section 19 of the Texas Constitution, by granting statewide authority to a county public official.

REQUEST FOR RELIEF

23. A declaratory judgment that the funding found in the 2008-2009 Biennial Appropriations Bill D.1.4 is unconstitutional;

24. A declaratory judgment that the State of Texas cannot grant statewide investigatory and/or prosecutorial authority to elected officials that are not subject to a statewide election;
25. An order enjoining the State of Texas of providing funds to the PIU if it is run by a county district attorney;
26. An order requiring that Travis County return all funds it has received from the State of Texas to run the PIU to the State of Texas
27. Awarding costs and attorney fees pursuant to 42 U.S.C. § 1988; and
28. Awarding such other relief as this Court shall deem just and equitable.

Respectfully submitted this 4th day of May, 2009.

By: 

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Fax: 214-383-5890
Attorney for Plaintiff
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JS 44 (Rev. 12/07)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Cathie Adams

(b) County of Residence of First Listed Plaintiff Dallas
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Clerkin & Sinclair, LLP, 202 N. Allen Dr, Allen, TX 75013

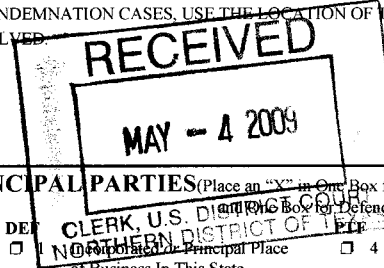
DEFENDANTS

State of Texas

County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)



II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☒ 3 Federal Question (U.S. Government Not a Party)
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff (For Diversity Cases Only))

- Citizen of This State ☐ 1 ☐ 2 ☐ 3
Citizen of Another State ☐ 1 ☐ 2 ☐ 3
Citizen or Subject of a Foreign Country ☐ 1 ☐ 2 ☐ 3
Incorporated and Principal Place of Business In This State ☐ 4 ☐ 5
Incorporated and Principal Place of Business In Another State ☐ 4 ☐ 5
Foreign Nation ☐ 6 ☐ 7

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input checked="" type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify)
☐ 6 Multidistrict Litigation
☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42 U.S.C. SEC 1983

Brief description of cause:

the authority granted to the Texas Public Integrity Unit violates the fourteenth amendment equal

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S)

IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

05/04/2009

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____